REMARKS/ARGUMENTS

Claims 45 and 48 have been cancelled. Claims 26, 28, 31, 32, 34, 37 and 42 have been amended. Claims 26 - 44 remain pending in the application.

Claims 26, 27, 34 and 42 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Cowan (US 6,031,830) in view of Brody (US 6,278,697) and further in view of Frank (US 5,914,948). This ground of rejection is respectfully traversed.

Regarding claims 26, 27, 34 and 42, note that claims 26 and 42 have been amended to delete references to asynchronous transfer mode (ATM) systems.

The present invention is directed to a system and method for making better use of license allocations of broadband frequencies for use in LMDS implementations. It allows base stations to communicate over an intercell link using one of the frequencies allocated for base stations to Network Interface Units (NIUs) communications. Since the intercell link simply applies one of the already licensed frequencies, it is easy to add links without having to obtain a separate license for each addition. Thus, the system is scaleable. Not so with the prior art. BS-MS

Claim 26 recites that the network interface units are at customer sites within the cell and that each network interface unit has a highly directional antenna. Applicants' network interface units are located at customer sites within each sector and have means for receiving transmission from the base station by way of a

point to multipoint protocol. They connect to customer premise equipment (CPE) via T1 or earthlink net links. Additionally, each NIU has a highly directional antenna pointed at the base station for bidirectional communications therewith by way of a point to point protocol.

In Cowan, base stations 26 are connected to each other or to a local area network 24 along with other LAN devices in a host 30. Communication with the mobile station 36 is via the link between the wireless base station 28 which, in turn, communicates with the base station 26.

Cowan and Brody do not disclose or suggest network interface units at the customers' sites with the network interface units having a highly directional antenna for providing point to point intercell radio link for communicating with a base station in a neighboring cell and a multiservice switch equipped with one or more first radio communications between the base station and the network interface unit via the high directional antenna and the second radio interface card for providing point to point intercell radio link.

Neither Cowan nor Brody discloses or suggests NIUs at the customer sites have high directional antennas. In fact, the Cowan disclosure is directed to communication with mobile terminals 36 and does not suggest the use of highly directional antennas. The Brody et al system likewise is a system for communicating with different mobile units 34, 54, 52 and does not teach or suggest

highly directional antennas. Hence, the Examiner is reaching into the Frank reference (US 5,914,948) to extract a remote station communicating with a base station via a highly directional antenna is restructuring of the art using applicants' disclosure as a guide. hindsight

The above discussed error infects all of the Examiner's rejection of the claims, and further and favorable consideration is respectfully requested.

A "Request for Continued Examination (RCE) Transmittal" is being filed concurrently herewith.

Respectfully submitted,

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